

REMARKS

Claims 1-7, 9-12, 15-17 are pending after entry of this response. Claim 1 has been amended to distinguish the removable pass key of the present invention from the fixed, non-removable computer chips of the cited prior art. The amendments to claim 1 are supported by at least paragraphs [0008], [0011], and [0015]. Claims 13 and 14 have been cancelled. No new matter has been added.

Drawing Objections

The Examiner has objected to the drawings as lacking "descriptive legends". Applicants are not sure what legends that Examiner is looking for. The figures include the legends "Fig. 1" and "Fig. 2". Descriptive text describing the figures was added to the specification in the prior response. It may be that the Examiner is not sure what the arrows in the figures refer to. As such, Applicants have submitted replacement drawings adding additional reference numerals and amended the specification to add the reference numbers to identify the dashed lines and the arrows. Applicants submit that the drawings and specification clearly illustrate and describe the invention. If there are specific legends the Examiner believes should be added, he is invited to contact Applicants' representative to resolve any additional drawing issues.

Specification Objection

The Examiner also raised an objection to the Specification as lacking section headings. Applicant disagrees with this objection inasmuch as section headings were added in a Preliminary Amendment that was filed on February 15, 2006 with the entry into the national phase. Thus, the specification as amended includes the appropriate section headings.

§103 Rejections

Claims 1, 13 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Valadez in view of U.S. Pat. No. 2002/0189986 (Kuennen). The Examiner acknowledges that Valadez does not disclose a separable pass key in communication with a water treatment apparatus. However, the Examiner has cited Kuennen as disclosing a water treatment apparatus

with a pass key. In reaching this conclusion, the Examiner contends that the electronics assembly 66 is “separable” from the apparatus (citing to Fig. 5, paragraph 0069 and 0071 lines 7-14). Applicants disagree.

As a starting point, Fig. 5 in Kuennen simply illustrates an exploded view of the water treatment apparatus with item 66 depicting an electronics assembly that is mounted within the apparatus. As described in the sections that the Examiner references, the electronics assembly 66 is part of the bottom shroud assembly 60 of the base unit 22. This entire assembly is an integral part of the water treatment device. It is not a “separable” component and does not provide any kind of functioning as a “key” to unlock an aspect of the water treatment device. There is no discussion in Kuennen of any pass key or any separable programmable component. The Office Action also points to and discusses sections of Kuennen which refer to smart chips. However, those sections of Kuennen simply describe how components inside the water treatment device communicate. Again, that does not disclose a separable pass key as specifically recited in the claims.

Examiner considers that Valadez discloses having a “data carrier” based on column 5, lines 7-12. The words “data carrier” do not appear in this section of Valadez. As discussed in the prior response, Valadez discusses in that section a programmable microcontroller or computer 44 which is a fixed item (typically mounted on a PLC board). That is not a separable pass key as claimed.

Claim 1 has been amended to more specifically recite the separable or removable configuration of the pass key. In particular, claim 1 has been amended to recite that the pass key is “adapted to be physically held and operable by a user during use.” Clearly the electronics assembly in Kuennen is not designed to be held by a user and operable by a user during use. And nothing in Valadez is designed to meet this structure limitation of the pass key.

Claim 1 also recites that the water treatment apparatus is a stand-alone unit that is adapted to receive and be activated by one or more external pass keys. There is nothing in either Valadez or Kuennen that relates to an external pass key or a water treatment apparatus that receives and is activated by an external pass key.

Furthermore, claim 1 states that the pass key is connectable to the water treatment apparatus from outside the unit without the removal of any components of the water treatment apparatus. Clearly this is not possible in the combination of Valadez and Kuennen.

The pass key of the present invention is a physical unit or instrument for locking or unlocking a piece of equipment (e.g., the water treatment apparatus) having a corresponding mechanism, generally understood to be an electronic "lock".

Accordingly, Applicants submit that claim 1 is distinguished from and patentable over the combination of Valadez and Kuennen. In rejecting the dependent claims 2-7, 9-12 and 15-17, the Examiner had also cited U.S. Pat. No. 6,988,204 (Alve) in combination with Valadez and Kuennen. Alve fails to teach the separable pass key as noted above and, thus, does not remedy the basic deficiencies in the Valadez and Kuennen combination. Therefore, based on the foregoing, Applicants respectfully submit that claim 1 is patentable over the cited references. All the remaining claims depend from claim 1 and are, therefore, patentable by means of their dependency.

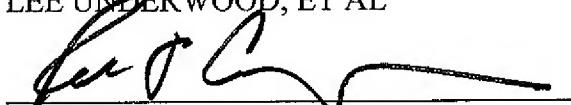
In addition, claim 7 relates to the pass key being time coded. The Examiner has suggested that Valadez discloses the pass key being time coded at column 6, lines 62-64. This section refers to the reservoir level indicator 52 would be checked periodically "as timed by the clock cycle of the micro controller 44". An article being time coded is not equivalent to something being timed by a clock. The latter is a straightforward analysis of a time period versus a clock to confirm the accuracy of the passing of the time from a start to a finish time. Claim 7 relates to the pass key being made, in some way, time-dependent, so as to require renewal or reactivation after a certain time. The ability of the pass key in claim 7 to operate lasts only for a finite length of time, such as yearly. This is not the same as measuring a time period from a start to a finish position. Accordingly, for this additional reason, claim 7 is patentable over the combination of Valadez, Kuennen and Alve.

If the Examiner believes direct communication will assist in the examination of the present invention, the Examiner is invited to contact the undersigned.

Respectfully submitted,

LEE UNDERWOOD, ET AL

BY


ROBERT E. CANNUSCIO
Registration No. 36,469
DRINKER, BIDDLE & REATH, LLP.
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103
(215) 988-3303
(215) 988-2757 – Fax
Attorney for the Applicant

ANNOTATED SHEET

Fig 1

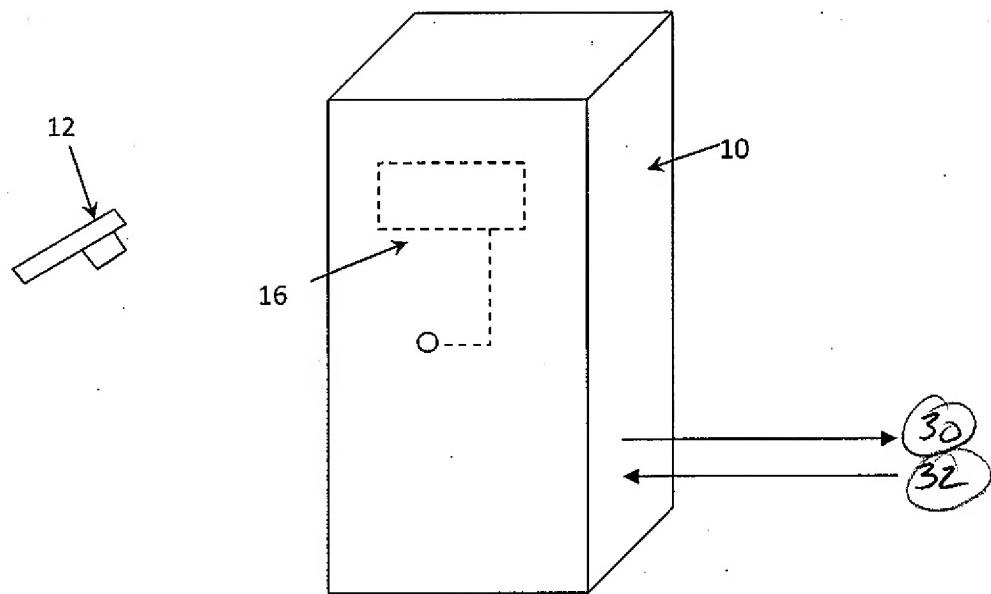


Fig 2

